

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

QAMIL VOLINA,

Civil Action No.:

Plaintiff,

vs.

COMPLAINT

DEMAND FOR JURY TRIAL

AR RESOURCES INC.

Defendant.

Plaintiff Qamil Volina ("Plaintiff"), brings this Complaint by and through his attorneys, Law Offices of Michael Lupolover, P.C., against the Defendant AR Resources, Inc. ("Defendant") respectfully sets forth, complains and alleges, upon information and belief, the following:

JURISDICTION

1. This action arises out of violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") by Defendant and their collection agents in their illegal efforts to collect a consumer debt from Plaintiff.
2. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d). The Court has supplemental jurisdiction over any state, local and common law claims in this action pursuant to 28 U.S.C. §1367(a).
3. Venue is proper in this District 28 U.S.C. § 1391(b)(1) and (2) because the acts and transactions occurred here and Defendant transacts business here.

PARTIES

4. Plaintiff is a natural person who resides in Fairfield, New Jersey and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant is a debt collection agency and Pennsylvania business entity that regularly collects consumer debts owed or due or asserted to be owed or due another in this state and judicial district with its principal place of business located at 1777 Sentry Parkway West, Suite 101, Blue Bell, Pennsylvania 19422.

6. Defendant is a “debt collector” as the phrase is defined and used in the FDCPA under 15 U.S.C. §1692a(6).

FACTUAL ALLEGATIONS

7. Defendant acquired an alleged debt owed by Plaintiff to County College of Morris in approximately April 2014.

8. The alleged debt is a “debt” as defined by 15 U.S.C. §1692a(5).

9. The alleged debt arose out of a transaction in which money, property, insurance or services, which are the subject of the transaction, are primarily for personal, family or household purposes.

10. On or about August 27, 2014, Plaintiff ran a copy of his credit report. Plaintiff identified a tradeline on his credit report from Defendant.

11. The alleged debt due and owing to Defendant was listed with an original creditor of “County College of Morris” in the amount of \$2,447.00.

12. Unsure that this debt was accurate, Plaintiff disputed the tradeline with Defendant directly, and requested documentation regarding the origination of the underlying debt.

13. The letter disputing the debt and requesting verification was sent to Defendant via facsimile directed to number 267-464-0299 on November 4, 2014.

14. On information and belief, the fax number 267-404-0299 belongs to Defendant.

15. Plaintiff, having received no response from Defendant, ran his credit report again on January 13, 2015.

16. The tradeline populated by was not marked as disputed in accordance with the specific dispute letter sent to Defendant.

17. Despite reporting to the credit reporting agencies information about the alleged debt in January 2015, Defendant failed to mark the account on Plaintiff's credit report as disputed.

18. These collection communications from Defendant were abusive, deceptive, misleading, unfair, unconscionable and illegal communications in an attempt to collect the alleged debt, all done in violation of numerous and multiple provisions of the FDCPA.

19. As a consequence of the Defendant's action(s) in the year prior to filing of the instant action, the Plaintiff seeks damages, attorneys fees and costs pursuant to FDCPA § 1692k.

FIRST CAUSE OF ACTION
FAIR DEBT COLLECTION PRACTICES ACT

20. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "19" herein with the same force and effect as if the same were set forth at length herein.

21. Defendant's debt collection attempts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to the following:

a. 15 U.S.C. §1692e-preface, (2)(A), (8), and (10).

22. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to

damages, attorneys fees and costs in accordance with the FDCPA.

DEMAND FOR JURY TRIAL

23. Plaintiff hereby respectfully requests a trial by jury for all claims and issues for which Plaintiff is entitled to at a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Qamil Volina demands judgment from the Defendant AR Resources Inc. as follows:

- A. For actual damages provided and pursuant to 15 U.S.C. §1692k;
- B. For statutory damages of \$1,000.00 provided and pursuant to 15 U.S.C. §1692k;
- C. For attorneys' fees, costs and disbursements;
- D. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: April 10, 2015

Respectfully submitted,

LAW OFFICES OF MICHAEL LUPOLOVER, P.C.

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